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REMARKS

Applicants have amended independent claims 1, 7 and 13. Eighteen claims remain pending, claims 1-18. Applicants respectfully request reconsideration of claims 1-18 in view of the above amendments and remarks below.

By way of this response, Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned at (858) 552-1311 so that such issues may be resolved as expeditiously as possible.

Support for the amendments to claims 1, 7 and 13 is found throughout the application as filed. For example support for the threshold is found, at least on page 30, lines 25-32, page 32 lines 24-26, and page 36, lines 6-17. Therefore, no new matter is added to the application based on these amendments.

Claim Rejections - 35 U.S.C. §103

1. The Examiner has maintained the rejection of claims 1-18 under 35 U.S.C. §103(a) citing U.S. Patent No. 6,161,132 (Roberts et al.). Applicants have amended independent claims 1, 7 and 13 to distinguish the claimed subject matter over the Roberts patent. More specifically, amended claim 1, for example, recites in part:

- receiving requests prior to a start time from each of the client apparatuses to simultaneous playback the event;
- identifying a type of the playback device of each of the client apparatuses;
- looking up a command associated with the identified type of the playback device;
- determining whether each request is received during a predefined threshold period prior to the simultaneous playback of the event; and
- sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously with the playback of the event on each of the remaining client apparatuses for those requests received during the predefined threshold period, and sending the command to the corresponding client apparatus for beginning the playback of the event simultaneously at a predetermined point during the playback for those requests not received during the threshold period.

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As such, claim 1 provides for a command sent to the client apparatus that begins the playback of the event when the request is received within the threshold period, and when the request is not received during the threshold the simultaneous playback is activated at a predetermined point. The Roberts patent does not teach or suggest a threshold period, the determination of whether requests are received within the threshold period, or the initiation of simultaneous playback at predetermined points when requests are received outside the threshold period.

Instead, the Roberts patent teaches away from such operation. Specifically, the Roberts patent describes a system that immediately activates coordinated playback of a CD once a user accesses a chat room. Once a user accesses the chat room site, Roberts describes forwarding "information about the track which the CD is playing in the other chat room clients' machines and the time at which the track started to play." (Roberts, col. 7, lines 32-34). Therefore, Roberts does not employ a threshold period, and instead immediately forward playback information to start playback relative to the precise playback occurring in other clients' machines.

Further, the Roberts patent does not initiate the playback at predetermined points in the playback. To the contrary, the Roberts patent initiates playback as quickly as possible and at any point during the playback of the CD to approximately synchronize the playback. It would go against the intended purpose of the Roberts patent to employ a threshold for receiving requests and to delay playback to a predetermined point when requests are received outside the threshold. One of the intended purposes of the Roberts patent is to provide users with immediate coordination of playback through a chat room at the point where "the CD is playing in the other chat room client's machines." (Id.) Therefore, for Roberts teaches away from a threshold period, and the initiating of playback at predetermined points, and thus amended claim 1 is not obvious in view of the Roberts patent.

Independent claims 7 and 13 have been amended to include language similar to that of amended claim 1. Therefore, claims 7 and 13 are also not obvious over the Roberts patent.

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Further, claims 2-6, 8-12 and 14-18 depend from amended claims 1, 7 and 13, respectively. Therefore, claims 2-6, 8-12 and 14-18 are also not obvious over the Roberts patent based at least on their dependence upon claims 1, 7 and 13, and the remarks presented above.

Fees Believe Due

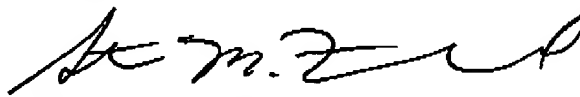
Applicants are submitting the subject Amendment along with a Request for Continued Examination (RCE), and a Petition for a Three Month Extension of Time. Therefore, Applicants are authorizing the payment of the RCE fee as well the three month extension of time fee.

CONCLUSION

Applicants submit that the above amendments and remarks place the pending claims in a condition for allowance. Therefore, a Notice of Allowance is respectfully requested.

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Respectfully submitted,



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